

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SPRINTCOM, INC. FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY )  
TO CONSTRUCT A PERSONAL COMMUNICATIONS SERVICES ) CASE NO.  
FACILITY IN THE CINCINNATI MAJOR TRADING AREA ) 97-490  
[ATLAS ROAD FACILITY] )

O R D E R

On December 22, 1997, SprintCom, Inc. ("SprintCom") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a personal communications system ("PCS") for the Cincinnati Major Trading Area. SprintCom has requested authorization to construct a PCS site in Boone County. SprintCom was previously granted the authority to operate in Case No. Case 97-294.<sup>1</sup>

The proposed PCS site consists of a 140-foot or less monopole antenna tower to be located at 2835 Crescent Springs Pike, Erlanger, Boone County, Kentucky ("the Atlas Road PCS site"). The coordinates for the Atlas Road PCS site are North Latitude 39° 02' 00" by West Longitude 84° 35' 32".

SprintCom has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Atlas Road PCS site. Based upon the application, the design of the tower and foundation conforms to applicable nationally

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<sup>1</sup> Case No. 97-294, The Application of SprintCom, Inc. for Operating Authority and Issuance of Certificate of Public Convenience and Necessity to Construct Personal Communications Services Facilities in Kentucky.

recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the Atlas Road PCS site's construction is exempt from local zoning ordinances; however, SprintCom notified the Boone County Planning Commission of the pending construction. SprintCom has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Atlas Road PCS site. Both applications are pending.

SprintCom has filed notices verifying that each person who owns property or who resides within 500 feet of the Atlas Road PCS site has been notified of the pending construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after SprintCom's application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, SprintCom should notify the Commission if it does not use this antenna tower to provide PCS radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by SprintCom.

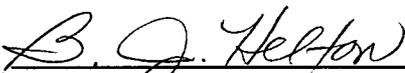
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that SprintCom should be granted a Certificate of Public Convenience and Necessity to construct and operate the Atlas Road PCS site under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. SprintCom is granted a Certificate of Public Convenience and Necessity to construct and operate the Atlas Road PCS site.
2. SprintCom shall file a copy of the final decisions regarding the pending FAA and KAZC applications for this site construction within 10 days of receiving these decisions.
3. SprintCom shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 18th day of February, 1998.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director